

STATEMENT OF PURPOSE

RS20441

The purpose of this legislation is to create the Office of Legislative Legal Counsel, within the current Legislative Services Office, to act as counsel to the Legislature. Establishment of this Legislative Counsel would alleviate the de-facto appearance of conflict of interest when the Legislative Branch seeks legal opinions from the Executive Department office of Attorney General. This legislation would provide for two Idaho Licensed attorneys to staff the Office. CONSTITUTIONAL AUTHORITY Idaho State Constitution Article I, Section 1 "The executive department shall consist of a governor, lieutenant governor, secretary of state, state controller, state treasurer, attorney general and superintendent of public instruction, . . ." Idaho State Constitution Article II, Section 1 "The powers of the government of this state are divided into three distinct departments, the legislative, executive and judicial; and no person or collection of persons charged with the exercise of powers properly belonging to one of these departments shall exercise any powers properly belonging to either of the others, except as in this constitution expressly directed or permitted."

FISCAL NOTE

This legislation is designed to be cost neutral. The budget for the Office for the Attorney General would be pared to reflect the diminished workload from legislature, with the cost savings being transferred to fund the Legislative Legal Counsel. Therefore, any cost increase to the state would be offset by an amount decreased by the commensurate loss of Attorney General staff.

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